



# PROFESSIONAL LIABILITY INSURANCE COVERAGE CERTIFICATION

to be completed by all Active and House Counsel Members

(Please make any necessary corrections.)

I, \_\_\_\_\_, ISB Number \_\_\_\_\_,

hereby certify the following pursuant to Idaho Bar Commission 302(a)(5):

1. I am an Active or House Counsel Member of the Idaho State Bar; and

**(Choose One)**

2. (A)  I DO NOT represent private clients and am not required to carry professional liability insurance.

or

(B)  I represent private clients and am currently covered by professional liability insurance. The name of my primary insurance carrier is: \_\_\_\_\_.

➤ Attorneys selecting option (B) must submit proof of current professional liability insurance coverage at the minimum limit of \$100,000 per occurrence/\$300,000 annual aggregate. Proof may be in the form of a certification from your insurer that includes the name of the carrier, name of the insured(s), term and policy limits. If you submit the Declaration page from your policy to prove compliance with this rule, please redact any information not required by this rule, including the premium amount. Please submit your proof of coverage with this form.

(C)  I am an Active or House Counsel Member whose practice of law is limited to practicing within an employment setting exclusively for an employer and its commonly owned organizational affiliates and my employer is not in the business of providing legal services.

The name of my employer is \_\_\_\_\_.  
My employer maintains insurance coverage that is the equivalent of that required by I.B.C.R. 302(a)(5) that covers my practice of law.

➤ Attorneys selecting option (C) do not need to submit proof of insurance coverage.

3. I will notify the Idaho State Bar in writing within 30 days if any professional liability insurance policy providing coverage lapses, is no longer in effect, or terminates for any reason, unless the policy is renewed or replaced without substantial interruption.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Attorney's Signature

## Professional Liability Insurance Coverage Requirement General Information

### IDAHO BAR COMMISSION RULE 302. Licensing Requirements.

Following admission as a member of the Bar, an attorney may maintain membership as follows:

**(a) Active or House Counsel Member.** An Active or House Counsel Member shall:

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- (5) Certify to the Bar (A) whether the attorney represents private clients; and (B) if the attorney represents private clients, submit proof of current professional liability insurance coverage at the minimum limit of \$100,000 per occurrence/\$300,000 annual aggregate. Each attorney admitted to the active practice of law in this jurisdiction who is required to have professional liability insurance shall identify the primary carrier and shall notify the Bar in writing within thirty (30) days if the professional liability insurance policy providing coverage lapses, is no longer in effect, or terminates for any reason, unless the policy is renewed or replaced without substantial interruption.

#### **What information must I provide to confirm I have coverage?**

You must provide information from your carrier listing the name of carrier, name of insured, coverage limits and policy expiration date. If you submit your policy declaration page to demonstrate your compliance with this rule, please redact the premium amount and any other information not required by the rule.

#### **Can I maintain an active license and not obtain coverage?**

Yes, if you do not represent private clients.

#### **If I only take a few cases a year, am I required to obtain coverage?**

Yes.

#### **If I only do pro bono work, do I need coverage?**

Yes. However, if you only plan to take pro bono cases, coverage may be available through the Idaho Law Foundation's Idaho Volunteer Lawyers Program. You can contact the program at 208-334-4500.

#### **If I practice out of state am I required to obtain coverage?**

Yes, if you practice out of state and represent private clients, under the rule you are required to have professional liability insurance coverage.

#### **What prompted the rule change?**

A resolution proposing to amend the Bar Commission Rules to require a minimum amount of professional liability insurance coverage was submitted to the membership during the 2016 resolution process. The resolution passed by a 51% to 49% vote of bar members. The proposed rule change was submitted to the Idaho Supreme Court. The Court adopted the rule change in an order issued March 30, 2017.

#### **Who can I contact about getting a policy?**

The Idaho State Bar endorses ALPS, <https://www.alpsnet.com/>. If you have an insurance broker, he or she may be able to provide options. PayneWest in Spokane, Moreton and Company in Boise, and the Hartwell Corporation in Caldwell and Idaho Falls assist lawyers with obtaining legal professional liability insurance coverage and may have other carrier options. In addition to ALPS, a few carriers we know provide coverage in Idaho are; Attorney Protective, Travelers, and Allied World. There are other carriers that offer coverage. If you find a carrier that is not listed above, we recommend that you confirm the carrier has a history of providing professional liability insurance coverage in Idaho.

#### **Questions?**

Please contact Diane Minnich, Executive Director, ([dminnich@isb.idaho.gov](mailto:dminnich@isb.idaho.gov)) or Maureen Ryan Braley ([mryanbraley@isb.idaho.gov](mailto:mryanbraley@isb.idaho.gov)) at (208) 334-4500 if you have any additional questions.